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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
MISLEH, JUSTIN P	

ART UNIT	PAPER NUMBER
2622	

DATE MAILED: 09/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/784,159	TANAKA ET AL.	
	Examiner	Art Unit	
	Justin P. Misleh	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 June 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 - 49* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 - 4, 8 - 15, 17 - 20, 24 - 27, 29 - 32, 36 - 43, and 45 - 49* is/are rejected.

7)☒ Claim(s) *5 - 7, 16, 21 - 23, 28, 33 - 35, and 44* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *4-24-06*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed June 22, 2006 have been fully considered but they are not persuasive; however, Applicant's arguments with respect to Claim 49 has been considered but are moot in view of the new ground of rejection.

2. Applicant argues, "The canister data structure shows each image only once in a sequential order, as clearly described in lines 41-51 of column 15. The image data can be retrieved only from this one location in the canister data structure. Moreover, the shell extension module description beginning at line 52 in column 14 indicates that the selective browsing capability is due to the extension of the data files, not to a directory structure based on property attributes and that such browsing is dependent upon the module in the computer connected to the camera, not to any directory generation capability within the camera."

3. The Examiner respectfully disagrees with Applicant's position. Figure 22 of Tomat et al. clearly shows that the canisters (directories) are identified by certain date ranges (e.g., 4/13/96-4/13/96; 4/30/96-5/3/96, etc.), which represent the dates of creation of the photogroups respectively stored in the canister directories (column 15, lines 53 and 54). In other words, the images in the photogroups are arranged into the canister directories according to the date they were created. Essentially, organization of the directory and data by Tomat et al. is not arbitrary and in fact "allows a user to browse files stored on camera 14 intelligently" (column 14, lines 54 – 56). The Examiner submits "date and time" is a specific parameter that applies to the image data, the photogroups, and the canister directories. Additionally, the Examiner submits the only

method Tomat et al. provide for selective browsing capability is selective according to the "date and time" specific parameter (Figure 22).

4. Finally, it is noted that Tomat et al. only disclose "date and time" as an image property. Therefore, in the case of Tomat et al., the images must only be listed in the canister directory corresponding to that "date and time." Such teachings are consistent with the claim language, which recites, *inter alia*, "a file name for each image is registered under each directory for which any specific parameter applies to said image."

5. For these reasons, the rejection of Claims 1 – 4, 8 – 14, 17 – 20, 24 – 27, 29 – 32, 36 – 42, and 45 – 48 under 35 USC § 102(e) will be maintained.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. **Claims 1 – 4, 8 – 14, 17 – 20, 24 – 27, 29 – 32, 36 – 42, and 45 – 49** are rejected under 35 U.S.C. 102(e) as being anticipated by Tomat et al.

8. For **Claim 1**, Tomat et al. disclose, as shown in figures 1 – 3, 5, 13, and 22 and as stated in columns 6 (lines 9 – 28), column 12 (line 46) – column 13 (line 13), and column 14 (line 30) – column 16 (line 41), an image information obtaining method in which an image information receiving end (computer system 1; see figure 1) can select a desired image file according to

information about directories (system object tree 194 and canisters 208 in figure 22) presented by an image information transmitting end (digital camera 14; see figure 1) and receives an image of the selected image file (by means of View Photos Icon 45 in figure 5; system object tree area 194 in figure 22; and column 16, lines 15 – 20), said method comprising:

the image information transmitting end (digital camera 14):

classifying a plurality of images recorded in a recording medium (camera memory 36; see figure 3) under parameters (calendar date parameters) that represent properties of the plurality of images;

producing directories in which to register image files or file names of the classified images in for each parameter; and

registering file names as required for each image, wherein a file name for each image is registered under each directory for which any specific parameter applies to said image (see explanation below); and

the image information receiving end (computer system 1):

providing a display of at least a portion of a hierarchical tree structure in accordance with said directories (see figure 22), from which can be selected a desired image file of a desired parameter (i.e. within a certain calendar date range) according to the information about the directories produced be said image information transmitting end; and

receiving an image of the selected desired image file of the desired parameter from the image information transmitting end, wherein said desired image file can be retrieved from any said directory in said hierarchical tree structure for which a specific parameter for said desired image file applies (see explanation below).

As stated in column 11, lines 27 – 43, and as shown in figure 22; the photo groups are stored in canisters 208 within the camera memory 36 under calendar date parameters. In other words each canister 208 corresponds to a certain range of calendar dates. Furthermore, the shell extension module and corresponding system object tree 194 of figure 22 is a real-time view of the directory/canister structure as produced and stored with the digital camera 14. The file names are correspondingly stored as photo groups within the canisters; thus, they are registered under calendar date parameters.

Furthermore, the system object tree 194 in the shell extension module of figure 22 gives the computer system real-time access to the directory/canister structure within the digital camera memory 36 including thumbnail images. As stated in column 16, lines 15 – 20, once an image file is selected, it will be copied to a storage device within the computer system 1.

Figure 22 of Tomat et al. clearly shows that the canisters (directories) are identified by certain date ranges (e.g., 4/13/96-4/13/96; 4/30/96-5/3/96, etc.), which represent the dates of creation of the photogroups respectively stored in the canister directories (column 15, lines 53 and 54). In other words, the images in the photogroups are arranged into the canister directories according to the date they were created. Essentially, organization of the directory and data by Tomat et al. is not arbitrary and in fact "allows a user to browse files stored on camera 14 intelligently" (column 14, lines 54 – 56). The Examiner submits "date and time" is a specific parameter that applies to the image data, the photogroups, and the canister directories. Additionally, the Examiner submits the only method Tomat et al. provide for selective browsing capability is selective according to the "date and time" specific parameter (Figure 22).

Finally, it is noted that Tomat et al. only disclose "date and time" as an image property. Therefore, in the case of Tomat et al., the images must only be listed in the canister directory corresponding to that "date and time." Such teachings are consistent with the claim language, which recites, *inter alia*, "a file name for each image is registered under each directory for which any specific parameter applies to said image."

9. As for **Claim 2**, Tomat et al. disclose, as shown in figure 13 and stated in columns 11 (lines 18 – 26) and 12 (lines 6 – 13), the image information obtaining method as defined in Claim 1, wherein the plurality of images include an original image (full-resolution image) and a converted image (thumbnail image) produced from the original image by changing a parameter representing a property of the original image (The converted image is a thumbnail image of the full-resolution image, which is produced by changing a pixel resolution parameter representing a resolution property of the full-resolution image.).

10. As for **Claim 3**, Tomat et al. disclose, as shown in figure 22 and as stated in column 11 (lines 27 – 43), wherein the information transmitting end (digital camera 14) produces the converted image (thumbnail image) from the original image (full resolution image) recorded in the recording medium (camera memory 36) by changing the parameter (pixel resolution) and registers the converted image (thumbnail image) or a file name of the converted image in the produced directory (The microprocessor 35 produces the converted image and associates the converted image with the original image in a photogroup; wherein the photogroups are part of a canister of the directory structure.).

11. As for **Claim 4**, wherein the information transmitting end (digital camera 14) transmits the converted image (thumbnail), from the original image (full resolution image) by changing the

parameter (pixel resolution), if an image file of an image whose parameter is different from the parameter of the original image is accessed from the image information receiving end (computer system 1).

In regards to the "an image file of an image whose parameter is different from the parameter of the original image" claim language, the converted image was produced by changing a pixel resolution parameter of the original image. The image information receiving end (computer system 1) simply accesses, in real-time, the directory structure of the recording medium (camera memory 36), which is shown in figure 22. Figure 22 also shows that the converted image is also being accessed (e.g. any of the shown thumbnail images). While the converted image has been transferred to a cache of the computer system (1), the Examiner does not interpret the actual transmission to take place until an image file is selected and will be copied to a storage device within the computer system 1 (see column 16, lines 15 – 20). Therefore, while accessing a converted image and selecting the converted image will cause the digital camera (14) to transmit the converted image for storage on the computer system (1).

12. For **Claim 8**, Tomat et al. disclose, as shown in figures 1 – 3, 5, 13, and 22 and as stated in columns 6 (lines 9 – 28), column 12 (line 46) – column 13 (line 13), and column 14 (line 30) – column 16 (line 41), an image information obtaining method in which an image information receiving end (computer system 1 in figure 1) can select a property file (photogroups; see column 11, lines 27 – 43) to register property information of a desired image file in (registers an "associated full-resolution image," "associated thumbnail image file," and "associated sound file") according to information about directories (The directories are the canisters 208, wherein "camera 14 stores photogroups in canister format" such that a "canister includes up to fifty

photogroups") presented by an image information transmitting end (digital camera 14) and receives information of the selected property file (The system object tree 194 in the shell extension module of figure 22 gives the computer system real-time access to the directory/canister structure within the digital camera memory 36.), wherein:

the image information transmitting end (digital camera 14):

produces property files or property file names of image files directories (canisters) to register recorded in a recording medium (camera memory 36); and

registers corresponding property files (The file names are correspondingly stored as photogroups within the canisters; thus, they are registered.), wherein each image is registered as a file name for each image in each directory having a specific parameter associated with said image (see explanation below);

the image information receiving end (computer system 1):

provides a display of at least a portion of a hierarchical tree structure in accordance with said directories (see figure 22), from which can be selected a desired property file according to the information about the produced directories; and

receives information of the selected desired property file from the image information transmitting end, wherein said desired image file can be retrieved from any said directory in said hierarchical tree structure for which a specific parameter for said desired image file applies (see explanation below).

The system object tree 194 in the shell extension module of figure 22 gives the computer system real-time access to the directory/canister structure within the digital camera

memory 36. As stated in column 16, lines 15 – 20, once an image file is selected will be copied to a storage device within the computer system 1.

Figure 22 of Tomat et al. clearly shows that the canisters (directories) are identified by certain date ranges (e.g., 4/13/96-4/13/96; 4/30/96-5/3/96, etc.), which represent the dates of creation of the photogroups respectively stored in the canister directories (column 15, lines 53 and 54). In other words, the images in the photogroups are arranged into the canister directories according to the date they were created. Essentially, organization of the directory and data by Tomat et al. is not arbitrary and in fact "allows a user to browse files stored on camera 14 intelligently" (column 14, lines 54 – 56). The Examiner submits "date and time" is a specific parameter that applies to the image data, the photogroups, and the canister directories. Additionally, the Examiner submits the only method Tomat et al. provide for selective browsing capability is selective according to the "date and time" specific parameter (Figure 22).

Finally, it is noted that Tomat et al. only disclose "date and time" as an image property. Therefore, in the case of Tomat et al., the images must only be listed in the canister directory corresponding to that "date and time." Such teachings are consistent with the claim language, which recites, *inter alia*, "a file name for each image is registered under each directory for which any specific parameter applies to said image."

13. As for **Claims 9/1, 9/2, and 9/8**, Tomat et al. disclose, column 11, lines 27 – 43, wherein the directories are pass names or holders to which the image files or the property files belong (The canisters are assigned labels, e.g. see figure 22 and canisters 208.).

14. As for **Claims 10/1, 10/2, and 10/8**, Tomat et al. disclose, as shown in figure 22, wherein the information receiving end (computer system 1) displays at least one of an image file name

(The images are labeled according to photogroups.), an image directory name (canisters 208), a property file name, a property directory name, a pass name of the image file and a pass name of the property file according to the information about the directories presented by the image information transmitting apparatus (Figure 22 shows the computer system's 1 real-time access and view of the directory structure of the camera memory 36.).

15. As for **Claims 11/1, 11/2, and 11/8**, Tomat et al. disclose, as shown in figure 22 and as stated in columns 14 (lines 54 – 67) and 15 (lines 1 – 10 and 40 – 50), wherein the information receiving end (computer system 1) displays the information about the directories in tree representation (system object tree 194) according to the information about the directories presented by the image information transmitting apparatus (The information is presented in real-time from the camera memory 36.).

16. As for **Claims 12/1, 12/2, and 12/8**, Tomat et al. disclose, as shown in figure 2 and as stated in columns 5 (lines 60 – 65), 6 (lines 34 – 42), 13 (lines 66 and 67), and 14 (lines 1 – 29), wherein the image information receiving apparatus (computer system 1) transmits and receives information to and from a communication apparatus (a networked computer via WWW interface 20) other than the image information transmitting end (digital camera 14) through a public circuit or a communication network (WWW), transmits (via WWW interface 20) the received image of the desired image file or the received information of the property file to the communication apparatus (WWW).

17. As for **Claims 13/1, 13/2, and 13/8**, Tomat et al. disclose, as shown in figure 3, wherein the image information transmitting end (digital camera 14) images a subject (via CCD 31) and records image (via camera memory 36) data acquired by the imaging.

18. As for **Claims 14/1, 14/2, and 14/8**, Tomat et al. disclose, as shown in figure 3 and as stated in column 6 (lines 19 – 28), wherein the transmission and reception of the information comprises at least one of the steps of:

connecting the image information transmitting end and the image information receiving end that transmit and receive the information (via input/output 37) with a cable ("cabled connection") and a transmitting and receiving information by wire communication by converting the information into electric signals or light signals; and

transmitting and receiving the information by radio communication by converting the information into electric signals or light signals (not required by of "at least one" claim language).

19. For **Claim 17**, Tomat et al. disclose, as shown in figures 1 – 3, 5, 13, and 22 and as stated in columns 6 (lines 9 – 28), column 12 (line 46) – column 13 (line 13), and column 14 (line 30) – column 16 (line 41), an image information transmitting apparatus comprising:

a directory producing device (microprocessor 35) which classifies a plurality of images recorded in a recording medium (camera memory 36) under parameters (calendar date parameters) that represent properties of the plurality of images, producing directories (canisters 208) to register image files or file names of the classified images in for each parameter and registering file names required, wherein an image appears as an image file or file name in each directory applicable for specific parameters associated with said image (As stated in column 11, lines 27 – 43, and as shown in figure 22; the photo groups are stored in canisters 208 within the camera memory 36 under calendar date parameters corresponding to a range of calendar dates. Furthermore, the shell extension module and corresponding system object tree 194 of figure 22 is

a real-time view of the directory/canister structure as produced and stored with the digital camera 14. The file names are correspondingly stored as photogroups within the canisters; thus, they are registered under calendar date parameters.);

a communicating device (input/output 37; see figure 3) capable of transmitting and receiving information to and from an image information receiving apparatus (computer system 1); and

an information processing device (microprocessor 35) which transmits, if the image information receiving apparatus (computer system 1) asks for an offer of any image file produced by the directory producing device through the communicating device (37), an image of the image file to the image information receiving apparatus through the communicating device, wherein any image can be selectively retrieved from any directory in which said image is registered (As stated in column 16, lines 15 – 20, the system object tree 194 in the shell extension module of figure 22 gives the computer system 1 presents in real-time the directory/canister structure within the digital camera memory 36 through the digital camera interface 18 and input/output 37 such that once an image file is selected, via the computer system 1, it will be copied to a storage device within the computer system 1).

Figure 22 of Tomat et al. clearly shows that the canisters (directories) are identified by certain date ranges (e.g., 4/13/96-4/13/96; 4/30/96-5/3/96, etc.), which represent the dates of creation of the photogroups respectively stored in the canister directories (column 15, lines 53 and 54). In other words, the images in the photogroups are arranged into the canister directories according to the date they were created. Essentially, organization of the directory and data by Tomat et al. is not arbitrary and in fact "allows a user to browse files stored on camera 14

intelligently" (column 14, lines 54 – 56). The Examiner submits "date and time" is a specific parameter that applies to the image data, the photogroups, and the canister directories. Additionally, the Examiner submits the only method Tomat et al. provide for selective browsing capability is selective according to the "date and time" specific parameter (Figure 22).

Finally, it is noted that Tomat et al. only disclose "date and time" as an image property. Therefore, in the case of Tomat et al., the images must only be listed in the canister directory corresponding to that "date and time." Such teachings are consistent with the claim language, which recites, *inter alia*, "a file name for each image is registered under each directory for which any specific parameter applies to said image."

20. As for **Claim 18**, Tomat et al. disclose, as shown in figure 13 and stated in columns 11 (lines 18 – 26) and 12 (lines 6 – 13), the image information transmitting system as defined in Claim 17, further comprising a converted image producing device (microprocessor 35 in digital camera 14) which produces a converted image (thumbnail image) from an original image (full resolution image) recorded in the recording medium (camera memory 36) by changing a parameter representing a property of the original image (pixel resolution).

21. As for **Claim 19**, Tomat et al. disclose, as shown in figure 22 and as stated in column 11 (lines 27 – 43), wherein the information processing device (microprocessor 35) produces the converted image (thumbnail image) from the original image (full resolution image) recorded in the recording medium (camera memory 36) by changing the parameter (i.e. pixel resolution) and registers the converted image (thumbnail image) or a file name of the converted image in the produced directory (The microprocessor 35 produces the converted image and associates the

converted image with the original image in a photogroup, wherein the photogroups are a part of a canister of the directory structure.).

22. As for **Claim 20**, wherein the information processing device (microprocessor 35) transmits the converted image (thumbnail), from the original image (full resolution image) by changing the parameter (pixel resolution), if an image file of an image whose parameter is different from the parameter of the original image is accessed from the image information receiving apparatus (computer system 1).

In regards to the "an image file of an image whose parameter is different from the parameter of the original image" claim language, the converted image was produced by changing a pixel resolution parameter of the original image. The image information receiving end (computer system 1) simply accesses, in real-time, the directory structure of the recording medium (camera memory 36), which is shown in figure 22. Figure 22 also shows that the converted image is also being accessed (e.g. any of the shown thumbnail images). While the converted image has been transferred to a cache of the computer system (1), the Examiner does not interpret the actual transmission to take place until an image file is selected and will be copied to a storage device within the computer system 1 (see column 16, lines 15 – 20). Therefore, while accessing a converted image and selecting the converted image will cause the digital camera (14) to transmit the converted image for storage on the computer system (1).

23. For **Claim 24**, Tomat et al. disclose, as shown in figures 1 – 3, 5, 13, and 22 and as stated in columns 6 (lines 9 – 28), column 12 (line 46) – column 13 (line 13), and column 14 (line 30) – column 16 (line 41), an image information transmitting apparatus comprising:

a directory (microprocessor 35) producing device which produces directories to register property files or property file names of image files (photogroups; see column 11, lines 27 – 43) recorded in a recording medium (camera memory 36) in and registering the corresponding property files said directories, wherein each said image file is listed in each directory for which a property of said image applies (As stated in column 11, lines 27 – 43, and as shown in figure 22; the photo groups are stored in canisters 208 within the camera memory 36 under calendar date parameters. Furthermore, the shell extension module and corresponding system object tree 194 of figure 22 is a real-time view of the directory/canister structure as produced and stored with the digital camera 14. The file names are correspondingly stored as photogroups within the canisters; thus, they are registered under calendar date parameters.);

a communicating device (input/output 37; see figure 3) capable of transmitting and receiving information to and from an image information receiving apparatus (computer system 1; see figure 1); and

an information processing device (microprocessor 35) which transmits, if the image information receiving apparatus asks for an offer of any property file produced by the directory producing device through the communicating device, information about the property file to the image information receiving apparatus through the communicating device, and any image can be selectively retrieved from any directory having a property associated with said image (As stated in column 16, lines 15 – 20, the system object tree 194 in the shell extension module of figure 22 gives the computer system 1 presents in real-time the directory/canister structure within the digital camera memory 36 through the digital camera interface 18 and input/output 37 such that

once an image file is selected, via the computer system 1, it will be copied to a storage device within the computer system 1).

Figure 22 of Tomat et al. clearly shows that the canisters (directories) are identified by certain date ranges (e.g., 4/13/96-4/13/96; 4/30/96-5/3/96, etc.), which represent the dates of creation of the photogroups respectively stored in the canister directories (column 15, lines 53 and 54). In other words, the images in the photogroups are arranged into the canister directories according to the date they were created. Essentially, organization of the directory and data by Tomat et al. is not arbitrary and in fact "allows a user to browse files stored on camera 14 intelligently" (column 14, lines 54 – 56). The Examiner submits "date and time" is a specific parameter that applies to the image data, the photogroups, and the canister directories. Additionally, the Examiner submits the only method Tomat et al. provide for selective browsing capability is selective according to the "date and time" specific parameter (Figure 22).

Finally, it is noted that Tomat et al. only disclose "date and time" as an image property. Therefore, in the case of Tomat et al., the images must only be listed in the canister directory corresponding to that "date and time." Such teachings are consistent with the claim language, which recites, *inter alia*, "a file name for each image is registered under each directory for which any specific parameter applies to said image."

24. As for **Claims 25/17, 25/18, and 25/24,** Tomat et al. disclose, column 11, lines 27 – 43, wherein the directories are pass names or holders to which the image files or the property files belong (The canisters are assigned labels, e.g. see figure 22 and canisters 208.).

25. As for **Claims 26/17, 26/18, and 26/24**, Tomat et al. disclose, as shown in figures 1 – 3, wherein: the image information transmitting apparatus is one of a camera (digital camera 14) and

a scanner (not required because of "one of" claim language) having an imaging device (31) which images a subject; and the information processing device (microprocessor 35) records image data acquired by the imaging to the recording medium (camera memory 36).

26. As for **Claims 27/17, 27/18, and 27/24**, Tomat et al. disclose, as shown in figure 3 and as stated in column 6 (lines 19 – 28), wherein the communicating device (input/output 37) is one of a wire communicating device with a cable ("cabled connection") and a wireless communicating device using carrier waves of radio waves or lights (not required because of "one of" claim language) which connect the image information transmitting apparatus (digital camera 14) and the image information receiving apparatus (computer system 1) that transmit and receive the information.

27. For **Claim 29**, Tomat et al. disclose, as shown in figures 1 – 3, 5, 13, and 22 and as stated in columns 6 (lines 9 – 28), column 12 (line 46) – column 13 (line 13), and column 14 (line 30) – column 16 (line 41), an image information transmitting system comprising:

an image information transmitting apparatus (digital camera 14; see figure 1) comprising,

a directory producing device (microprocessor 35; see figure 3) which classifies a plurality of images (photogroups 1 – n) recorded in a recording medium (camera memory 36; see figure 3) under parameters (calendar date parameter) that represent properties of the plurality of images (Each calendar date parameter represents the calendar date that a photogroup was created; thus, it is a property of the photogroup.), produces directories (canisters) to register image files or file names of the classified images in for each parameter and registers the corresponding file names in said directories and registers each image as appropriate in all directories associated with properties of said image and registers each image as appropriate in all

directories associated with properties of said image (As stated in column 11, lines 27 – 43, and as shown in figure 22; the photo groups are stored in canisters 208 within the camera memory 36 under calendar date parameters. Furthermore, the shell extension module and corresponding system object tree 194 of figure 22 is a real-time view of the directory/canister structure as produced and stored with the digital camera 14. The file names are correspondingly stored as photogroups within the canisters; thus, they are registered under calendar date parameters.);

a communicating device (input/output 37; see figure 3) capable of transmitting and receiving information to and from an image information receiving apparatus (computer system 1; see figure 1), and

an information processing device (microprocessor 35) which presents information about the produced directories to the image information receiving apparatus through the communicating device and transmits, if the image information receiving apparatus asks for an offer of any image file among the presented image files through the communicating device (37), an image of the image file to the image information receiving apparatus through the communicating device (As stated in column 16, lines 15 – 20, the system object tree 194 in the shell extension module of figure 22 gives the computer system 1 presents in real-time the directory/canister structure within the digital camera memory 36 through the digital camera interface 18 and input/output 37 such that once an image file is selected, via the computer system 1, it will be copied to a storage device within the computer system 1); and

the image information receiving apparatus (computer system 1) comprising,

a first communicating device capable (digital camera interface 18) of transmitting and receiving information to and from the image information transmitting apparatus (digital camera 14),

a display (monitor 2) which displays the information about the produced directories presented by the image information transmitting apparatus (see figure 22), and

a designating device (mouse 5/keyboard 4) which designates a desired image file of a desired parameter according to the displayed information about the directories (As stated in column 16, lines 15 – 20, once an image file is selected will be copied to a storage device within the computer system 1).

Figure 22 of Tomat et al. clearly shows that the canisters (directories) are identified by certain date ranges (e.g., 4/13/96-4/13/96; 4/30/96-5/3/96, etc.), which represent the dates of creation of the photogroups respectively stored in the canister directories (column 15, lines 53 and 54). In other words, the images in the photogroups are arranged into the canister directories according to the date they were created. Essentially, organization of the directory and data by Tomat et al. is not arbitrary and in fact "allows a user to browse files stored on camera 14 intelligently" (column 14, lines 54 – 56). The Examiner submits "date and time" is a specific parameter that applies to the image data, the photogroups, and the canister directories. Additionally, the Examiner submits the only method Tomat et al. provide for selective browsing capability is selective according to the "date and time" specific parameter (Figure 22).

Finally, it is noted that Tomat et al. only disclose "date and time" as an image property. Therefore, in the case of Tomat et al., the images must only be listed in the canister directory corresponding to that "date and time." Such teachings are consistent with the claim language,

which recites, *inter alia*, "a file name for each image is registered under each directory for which any specific parameter applies to said image."

28. As for **Claim 30**, Tomat et al. disclose, as shown in figure 13 and stated in columns 11 (lines 18 – 26) and 12 (lines 6 – 13), the image information transmitting system as defined in Claim 29, further comprising a converted image producing device (microprocessor 35 in digital camera 14) which produces a converted image (thumbnail image) from an original image (full resolution image) recorded in the recording medium (camera memory 36) by changing a parameter representing a property of the original image (resolution).

29. As for **Claim 31**, Tomat et al. disclose, as shown in figure 22 and as stated in column 11 (lines 27 – 43), wherein the information processing device (microprocessor 35) registers the converted image or a file name of the converted image in the produced directory (The microprocessor 35 produces the converted image and associates the converted image with the original image in a photogroup, wherein the photogroups are a part of a canister of the directory structure.).

30. As for **Claim 32**, wherein the information processing device (microprocessor 35) transmits the converted image (thumbnail), from the original image (full resolution image) by changing the parameter (pixel resolution), if an image file of an image whose parameter is different from the parameter of the original image is accessed from the image information receiving apparatus (computer system 1).

In regards to the "an image file of an image whose parameter is different from the parameter of the original image" claim language, the converted image was produced by changing a pixel resolution parameter of the original image. The image information receiving end

(computer system 1) simply accesses, in real-time, the directory structure of the recording medium (camera memory 36), which is shown in figure 22. Figure 22 also shows that the converted image is also being accessed (e.g. any of the shown thumbnail images). While the converted image has been transferred to a cache of the computer system (1), the Examiner does not interpret the actual transmission to take place until an image file is selected and will be copied to a storage device within the computer system 1 (see column 16, lines 15 – 20). Therefore, while accessing a converted image and selecting the converted image will cause the digital camera (14) to transmit the converted image for storage on the computer system (1).

31. For **Claim 36**, Tomat et al. disclose, as shown in figures 1 – 3, 5, 13, and 22 and as stated in columns 6 (lines 9 – 28), column 12 (line 46) – column 13 (line 13), and column 14 (line 30) – column 16 (line 41), an image information transmitting system comprising:

an image information transmitting apparatus (digital camera 14; see figure 1) comprising,

a directory producing device (microprocessor 35; see figure 3) which produces directories (canisters) to register property files (photogroups) or property file names of image files recorded in a recording medium (camera memory 36) in and registering the corresponding property file names in said directories (see column 11, lines 27 – 43),

a communicating device (input/output 37; see figure 3) capable of transmitting and receiving information to and from an image information receiving apparatus (computer system 1; see figure 1), and

an information processing device (microprocessor 35) which presents information about the produced directories (canisters) to the image information receiving apparatus (computer system 1) through the communicating device and transmits, if the image information

receiving apparatus asks for an offer of any property file among the presented property files through the communicating device, information about the property file to the image information receiving apparatus through the communicating device (As stated in column 16, lines 15 – 20, the system object tree 194 in the shell extension module of figure 22 gives the computer system 1 presents in real-time the directory/canister structure within the digital camera memory 36 through the digital camera interface 18 and input/output 37 such that once an image file is selected, via the computer system 1, it will be copied to a storage device within the computer system 1); and

the image information receiving apparatus (computer system 1) comprising,

a first communicating device capable (digital camera interface 18) of transmitting and receiving information to and from the image information transmitting apparatus (digital camera 14),

a display (monitor 2) which displays the information about the produced directories presented by the image information transmitting apparatus (see figure 22), and

a designating device (mouse 5/keyboard 4) which designates a desired property file of a desired parameter according to the displayed information about the directories (As stated in column 16, lines 15 – 20, once an image file is selected will be copied to a storage device within the computer system 1).

Figure 22 of Tomat et al. clearly shows that the canisters (directories) are identified by certain date ranges (e.g., 4/13/96-4/13/96; 4/30/96-5/3/96, etc.), which represent the dates of creation of the photogroups respectively stored in the canister directories (column 15, lines 53 and 54). In other words, the images in the photogroups are arranged into the canister directories

according to the date they were created. Essentially, organization of the directory and data by Tomat et al. is not arbitrary and in fact "allows a user to browse files stored on camera 14 intelligently" (column 14, lines 54 – 56). The Examiner submits "date and time" is a specific parameter that applies to the image data, the photogroups, and the canister directories. Additionally, the Examiner submits the only method Tomat et al. provide for selective browsing capability is selective according to the "date and time" specific parameter (Figure 22).

Finally, it is noted that Tomat et al. only disclose "date and time" as an image property. Therefore, in the case of Tomat et al., the images must only be listed in the canister directory corresponding to that "date and time." Such teachings are consistent with the claim language, which recites, *inter alia*, "a file name for each image is registered under each directory for which any specific parameter applies to said image."

32. As for **Claims 37/29, 37/30, and 37/36**, Tomat et al. disclose, column 11, lines 27 – 43, wherein the directory producing device produces pass names or holders to which the image files or the property files belong (The canisters are assigned labels, e.g. see figure 22 and canisters 208.).

33. As for **Claims 38/29, 38/30, and 38/36**, Tomat et al. disclose, as shown in figure 22, wherein the display (monitor 2) displays at least one of an image file name (The images are labeled according to photogroups.), an image directory name (canisters 208), a property file name, a property directory name, a pass name of the image file and a pass name of the property file according to the information about the directories presented by the image information transmitting apparatus (Figure 22 shows the computer system's 1 real-time access and view of the directory structure of the camera memory 36.).

34. As for **Claims 39/29, 39/30, and 39/36**, Tomat et al. disclose, as shown in figure 22 and as stated in columns 14 (lines 54 – 67) and 15 (lines 1 – 10 and 40 – 50), wherein the display (2) displays the information about the directories in tree representation (system object tree 194) according to the information about the directories presented by the image information transmitting apparatus (The information is presented in real-time from the camera memory 36.).

35. As for **Claims 40/29, 40/30, and 40/36**, Tomat et al. disclose, as shown in figure 2 and as stated in columns 5 (lines 60 – 65), 6 (lines 34 – 42), 13 (lines 66 and 67), and 14 (lines 1 – 29), wherein the image information receiving apparatus (computer system 1) further comprises a second communicating device (WWW interface 20) capable of transmitting and receiving information to and from a communication apparatus (a networked computer) other than the image information transmitting apparatus (digital camera 14) through a public circuit or a communication network (WWW), the second communicating device transmitting (WWW interface 20) the received image of the desired image file or the received information of the property file to the communication apparatus (WWW).

36. As for **Claims 41/29, 41/30, and 41/36**, Tomat et al. disclose, as shown in figures 1 – 3, wherein: the image information transmitting apparatus is one of a camera (digital camera 14) and a scanner (not required because of "one of" claim language) having an imaging device (31) which images a subject; and the information processing device (microprocessor 35) records image data acquired by the imaging to the recording medium (camera memory 36).

37. As for **Claims 42/29, 42/30, and 42/36**, Tomat et al. disclose, as shown in figure 3 and as stated in column 6 (lines 19 – 28), wherein the communicating device (input/output 37) is one of a wire communicating device with a cable ("cabled connection") and a wireless communicating

device using carrier waves of radio waves or lights (not required because of "one of" claim language) which connect the image information transmitting apparatus (digital camera 14) and the image information receiving apparatus (computer system 1) that transmit and receive the information.

38. For **Claim 45**, Tomat et al. disclose, as shown in figures 1 – 3, 5, 13, and 22 and as stated in columns 6 (lines 9 – 28), column 12 (line 46) – column 13 (line 13), and column 14 (line 30) – column 16 (line 41), an image information obtaining method in which an image information receiving end (computer system 1; see figure 1) can select a desired image file according to information about directories (system object tree 194 and canisters 208 in figure 22) presented by an image information transmitting end (digital camera 14; see figure 1) and receives an image of the selected image file (by means of View Photos Icon 45 in figure 5; system object tree area 194 in figure 22; and column 16, lines 15 – 20), said method comprising:

the image information transmitting end (digital camera 14):

classifying a plurality of images recorded in a recording medium (camera memory 36; see figure 3) under parameters (calendar date parameters) that represent properties of the plurality of images;

producing directories in which to register image files or file names of the classified images in for each parameter; and

registering file names as required for each image in said directories (see explanation below); and

the image information receiving end (computer system 1):

providing a display of at least a portion of a hierarchical tree structure in accordance with said directories (see figure 22), from which can be selected a desired image file of a desired parameter (i.e. within a certain calendar date range) according to the information about the directories produced be said image information transmitting end; and

receiving an image of the selected desired image file of the desired parameter from the image information transmitting end (see explanation below).

As stated in column 11, lines 27 – 43, and as shown in figure 22; the photo groups are stored in canisters 208 within the camera memory 36 under calendar date parameters. In other words each canister 208 corresponds to a certain range of calendar dates. Furthermore, the shell extension module and corresponding system object tree 194 of figure 22 is a real-time view of the directory/canister structure as produced and stored with the digital camera 14. The file names are correspondingly stored as photo groups within the canisters; thus, they are registered under calendar date parameters.

Furthermore, the system object tree 194 in the shell extension module of figure 22 gives the computer system real-time access to the directory/canister structure within the digital camera memory 36 including thumbnail images. As stated in column 16, lines 15 – 20, once an image file is selected, it will be copied to a storage device within the computer system 1.

Figure 22 of Tomat et al. clearly shows that the canisters (directories) are identified by certain date ranges (e.g., 4/13/96-4/13/96; 4/30/96-5/3/96, etc.), which represent the dates of creation of the photogroups respectively stored in the canister directories (column 15, lines 53 and 54). In other words, the images in the photogroups are arranged into the canister directories according to the date they were created. Essentially, organization of the directory and data by

Tomat et al. is not arbitrary and in fact "allows a user to browse files stored on camera 14 intelligently" (column 14, lines 54 – 56). The Examiner submits "date and time" is a specific parameter that applies to the image data, the photogroups, and the canister directories. Additionally, the Examiner submits the only method Tomat et al. provide for selective browsing capability is selective according to the "date and time" specific parameter (Figure 22).

Finally, it is noted that Tomat et al. only disclose "date and time" as an image property. Therefore, in the case of Tomat et al., the images must only be listed in the canister directory corresponding to that "date and time." Such teachings are consistent with the claim language, which recites, *inter alia*, "a file name for each image is registered under each directory for which any specific parameter applies to said image."

Claim 45 further requires that the above described method be performed by a digital processing apparatus that has executed a program of machine-readable instructions tangibly embodied on a signal-bearing medium, wherein the program comprises at least one of a program of transmitter modules or a program of receiver modules.

Figures 62 – 64 of Tomat et al. is evidence that the above described method is performed by a digital processing apparatus that has executed a program of machine-readable instructions tangibly embodied on a signal-bearing medium, wherein the program comprises at least a program of receiver modules.

39. As for **Claim 46**, Tomat et al. disclose, as shown in figure 22, wherein the directories (canisters 208) produced in the image information transmitting end (digital camera 14) to register image files or file names of the classified images in each parameter comprise virtual directories (see explanation below).

As previously noted, the photo groups are stored in canisters (208) within the camera memory (36) under calendar date parameters. In other words each canister (208) corresponds to a certain range of calendar dates. The file names are correspondingly stored as photo groups within the canisters; thus, they are registered under calendar date parameters.

Furthermore, the shell extension module and corresponding system object tree (194 of figure 22) is a real-time view of the directory/canister structure as produced and stored with the digital camera 14. As stated in column 16, lines 15 – 20, once an image file is selected, it will be copied to a storage device within the computer system 1. Therefore, the registered image files or file names of the classified images in each parameter comprise virtual directories.

40. As for **Claim 47**, Tomat et al. disclose, as shown in figure 22, wherein the display in the image information receiving end (computer system 1) of at least a portion of a hierarchical tree structure (system object tree 194) in accordance with the directories comprises a display of the virtual directories (see explanation of "virtual directories" above) in addition to any existing directories already existing in the image information receiving end (Figure 22 clearly shows the "virtual directories", 206 and 208, existing among other directories in the computer system 1.).

41. As for **Claim 48**, Tomat et al. disclose, as shown in figure 22, wherein the virtual directories (see explanation of "virtual directories" above) are produced in the image information transmitting end (digital camera 14) in response to a request for a file list from the image information receiving end (computer system 1; see column 8, lines 32 – 54).

42. As for **Claim 49**, Tomat et al. disclose, as shown in figure 22, an image is associated hierarchically as a file in an existing folder (canisters), thereby establishing an existing file/folder

relationship for said image; and at least one property ("date and time") of said image provides a basis for a directory for said image that maintains said existing file/folder relationship.

Claim Rejections - 35 USC § 103

43. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

44. **Claims 15 and 43** are rejected under 35 U.S.C. 103(a) as being unpatentable over Tomat et al.

45. As for **Claims 15/1, 15/2, 15/8, and 43**, while Tomat et al. disclose, as shown in figures 2 and as stated in columns 7 (lines 10 – 22), wherein the image information receiving end, via a second communicating device (WWW interface 20), is capable of transmitting and receiving information to and from a communication apparatus (a networked computer) other than the image information transmitting apparatus (digital camera 14) through the public circuit or the communication network (WWW), Tomat et al. do not disclose the transmitting and receiving speech signals to a communication apparatus.

However, **Official Notice** (MPEP § 2144.03) is taken the both the concepts and advantages of the transmitting and receiving speech signals to a communication apparatus are well known and expected in the art. At the time the invention was made, it would have been obvious to one with ordinary skill in the art to have transmitted and received speech signals to and from a communication apparatus as means to annotate the transferred information.

Allowable Subject Matter

46. **Claims 5 – 7, 16, 21 – 23, 28, 33 – 35, and 44** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

47. As for **Claims 5/2, 5/3, 5/4, 21/18, 21/19, 21/20, 33/30, 33/31, and 33/32**, while the closest prior art (Tomat et al.) teach wherein the information processing device registers the converted image or a file name of the converted image in the produced directory, the closest prior art does not teach or fairly suggest wherein the directory producing device does not register an image file whose image data amount is not less than an image data amount of an original image file or a file name of the image file in the directories constructed for each parameter.

48. As for **Claims 6, 22, and 34**, while the closest prior art (Tomat et al.) teach an image information transmitting system with a converted image producing device which produces a converted image from an original image recorded in the recording medium by changing a parameter representing a property of the original image, the closest prior art does not teach or fairly or suggest wherein a plurality of images whose parameters representing properties of the plurality of images are different in one image file of the original image in the recording medium; and if the image information receiving apparatus asks for an offer of an image file with the same parameter as that of an image among the plurality of images in the image file of the original image through the communicating device, the information processing device transmits an image with the corresponding among the plurality of images in the image file of the original image to the image information receiving apparatus through the communicating device.

49. As for **Claims 7/1, 7/2, 23/17, 23/18, 35/29, and 35/30**, while the closest prior art (Tomat et al.) teach an image information transmitting system with a converted image producing device which produces a converted image from an original image recorded in the recording medium by changing a parameter representing a property of the original image, the closest prior art does not teach or fairly or suggest wherein the directory producing device classifies the directories under parameters representing at least one of properties of the images that are a number of pixels, compression rate, sampling method and color information and produce the directories.

50. As for **Claims 16/1, 16/2, 16/8, 28/17, 28/18, 28/24, 44/29, 44/30, and 44/36**, while the closest prior art (Tomat et al.) do not specifically mention wherein the image information transmitting end sets a power-conservation mode in which power consumption of the image information transmitting end is reduced; however, doing so in well known and expected in the art. However, the closest prior art does not teach or fairly suggest wherein the image information transmitting end cancels the power-conservation mode when the image information transmitting end receives information from the image information receiving end while the power-conservation mode is set.

Cited Prior Art

51. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure because each shows a camera memory's directory/file structure, as stored within the camera.

Conclusion

52. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

53. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Justin P Misleh whose telephone number is 571.272.7313. The Examiner can normally be reached on Monday through Friday from 8:00 AM to 5:00 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Vivek Srivastava can be reached on 571.272.7304. The fax phone number for the organization where this application or proceeding is assigned is 571.273.3000.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about

the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JPM
September 1, 2006

VIVEK SRIVASTAVA
PRIMARY EXAMINER